

2005 DRAFTING REQUEST

Assembly Amendment (AA-SB99)

Received: **02/21/2006**

Received By: **rnelson2**

Wanted: **Today**

Identical to LRB:

For: **Mark Gundrum (608) 267-5158**

By/Representing: **Don Dyke**

This file may be shown to any legislator: **NO**

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Courts - civil procedure**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Gundrum@legis.state.wi.us**

Carbon copy (CC:) to: **don.dyke@legis.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Service of summons time limits

Instructions:

see attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/1	rnelson2 02/21/2006	jdyer 02/21/2006	jfrantze 02/21/2006	_____	lnorthro 02/21/2006	lnorthro 02/21/2006	

FE Sent For:

<END>

2005 DRAFTING REQUEST

Assembly Amendment (AA-SB99)

Received: **02/21/2006**

Received By: **rnelson2**

Wanted: **Today**

Identical to LRB:

For: **Mark Gundrum (608) 267-5158**

By/Representing: **Don Dyke**

This file may be shown to any legislator: **NO**

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Courts - civil procedure**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Gundrum@legis.state.wi.us**

Carbon copy (CC:) to: **don.dyke@legis.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Service of summons time limits

Instructions:

see attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

/?	rnelson2	1/2/06	JS	JS			
----	----------	--------	----	----	--	--	--

FE Sent For:

JS
2/21
Pg 21
END

For Guadran

**ASSEMBLY AMENDMENT ,
TO 2005 SENATE BILL 99**

At the locations indicated, amend the bill as follows:

1. Page 5, line 11: delete the material beginning on that line and ending on line 17 and substitute:

"SECTION 8. 801.09 (2) (a) of the statutes is renumbered 801.09 (2) (a) 1. and amended to read:

801.09 (2) (a) 1. Except as provided in ~~par. (c)~~ subds. 2. and 3., within 45 20 days, exclusive of the day of service, after the summons has been served personally upon the defendant or served by substitution personally upon another authorized to accept service of the summons for the defendant; ~~or,~~

SECTION 8m. 801.09 (2) (a) 2. and 3. of the statutes are created to read:

801.09 (2) (a) 2. If the defendant is the state or an officer, agent, employee, or agency of the state, as to that defendant, within 45 days, exclusive of the day of service, after the summons has been served personally upon the defendant or served by substitution personally upon another authorized to accept service of the summons for the defendant.

3. Within 45 days, exclusive of the day of service, after the summons has been served personally upon the defendant or served by substitution personally upon another authorized to accept service of the summons for the defendant, if any of the following applies:

a. A defendant in the action is an insurance company.

b. Any cause of action raised in the complaint is founded in tort.

2. Page 5, line 22: after that line insert:

1 "SECTION 9m. 801.09 (2) (c) of the statutes is repealed."

2 3. Page 9, line 21: delete "45 20" and substitute "45".

3 4. Page 9, line 22: substitute "45 20" for "45".

4 5. Page 9, line 23: delete "party to" and substitute "defendant in". ✓

5 6. Page 10, line 16: delete "party to" and substitute "defendant in". ✓

6 7. Page 10, line 17: delete the first "or".

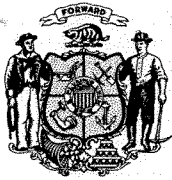
7 8. Page 10, line 18: after the underscored comma, insert "or if the moving party is the
8 state or an officer, agent, employee or agency of the state.".

9 9. Page 11, line 5: delete "party to" and substitute "defendant in"; delete "or".

10 10. Page 11, line 7: after the underscored comma, insert "or if the party pleading in
11 response is the state or an officer, agent, employee or agency of the state.".

12 (END)

what about p 5,
DD- delete 23-25



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBa2426/Pa

RPN:rs

2/22

2/22

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO 2005 SENATE BILL 99

1 At the locations indicated, amend the bill as follows:

2 1. Page 5, line 11: delete the material beginning on that line and ending on line
3 17 and substitute:

4 "SECTION 8. 801.09 (2) (a) of the statutes is renumbered 801.09 (2) (a) 1. and
5 amended to read:

6 801.09 (2) (a) 1. Except as provided in ~~par. (e)~~ subds. 2. and 3., within 45 20 days,
7 exclusive of the day of service, after the summons has been served personally upon
8 the defendant or served by substitution personally upon another authorized to
9 accept service of the summons for the defendant; ~~or~~.

10 SECTION 8. 801.09 (2) (a) 2. and 3. of the statutes are created to read:

11 801.09 (2) (a) 2. If the defendant is the state or an officer, agent, employee, or
12 agency of the state, as to that defendant, within 45 days, exclusive of the day of

1 service, after the summons has been served personally upon the defendant or served
 2 by substitution personally upon another authorized to accept service of the summons
 3 for the defendant. ✓

4 3. Within 45 days, exclusive of the day of service, after the summons has been
 5 served personally upon the defendant or served by substitution personally upon
 6 another authorized to accept service of the summons for the defendant, if any of the
 7 following applies: ✓

8 a. A defendant in the action is an insurance company.

9 b. Any cause of action raised in the complaint is founded in tort." ✓

10 **Fix component 2.** Page 5, line 22: after that line insert: ✓ 23: delete lines 23 to 25 and substitute:

11 "SECTION 9m. 801.09 (2) (c) of the statutes is repealed." ✓

12 3. Page 9, line 21: delete "45 20" and substitute "45".

13 4. Page 9, line 22: substitute "45 20" for "45". ✓

14 5. Page 9, line 23: delete "party to" and substitute "defendant in".

15 6. Page 10, line 16: delete "party to" and substitute "defendant in".

16 **Fix component 7.** Page 10, line 17: delete the first "or" ✓ if " and substitute "if".
 17 "tort."

18 8. Page 10, line 18: after the underscored comma insert "or if the moving party
 is the state or an officer, agent, employee, or agency of the state,".

19 9. Page 11, line 5: delete "party to" and substitute "defendant in", delete "or" ✓
 20 "tort,"

21 10. Page 11, line 7: after the underscored comma insert "or if the party
 pleading in response is the state or an officer, agent, employee, or agency of the state,".

22 (END)

Page 11, line 5: delete "company, or" and
 substitute "company".

Northrop, Lori

To: Usealman, Kevin
Subject: LRB 05a2426/1 attached as requested
Attachments: 05a2426/1



05a24261.pdf

Lori Northrop
Program Assistant
State of WI Legislative Reference Bureau
1 East Main Suite 200
Madison, WI., 53703
Phone 266-3561 fax 264-6948